



# Nuckolls County Board Minutes



## MARCH 25, 2013 PROCEEDINGS OF THE NUCKOLLS COUNTY BOARD OF COMMISSIONERS

The Nuckolls County Board of Commissioners met Monday, March 25, 2013 in the Board Meeting Room at the Courthouse, Nelson, Nebraska, per recess of March 18, 2013. Combs, Brown and Corman present for the meeting. The agenda of said meeting was remitted to board members in advance of the meeting and is posted in the County Clerk's office and on the County Website. Combs announced the 'Open Meetings Act Law' as posted in the Commissioners Board Meeting Room and handouts are available.

The board reconvened at 9:00 a.m. Chairman Combs approved the Agenda with the agenda item at 10:15 cancelled and the March 18, 2013 minutes as submitted.

Gary Warren, Highway Superintendent and Cindy Buescher, Executive Secretary met with the Board to update them on the current activities of the County Road Department. Warren noted he attended a Highway Superintendents meeting last Thursday for Hazard Markers (Flex Object Markers) for concerned bridges in the County. The Board determined to proceed with this program. Warren noted the Blades are out working on the County Roads to clear snow drifts from the snow storm this weekend. It was noted the Road Employees will be having a Safety Meeting on Wednesday Morning for Inspections on DOT Trucks. Warren is working on updating the State of Nebraska Maps for all County Roads and their Classifications. It was also noted the new tongue for the #89 Pup is purchased will be installed this week. Warren & Buescher requested permission to start the process to hire a new road employee to replace the one who quit last fall. The Board gave their approval.

The Board received paperwork for State Highway 14 -1(1017), In Superior & Nelson Project. The State is requesting a Resolution; Warranty Deed; An Acquisition Contract and other supporting documents to be signed by the Board. The State submitted maps of the portion of Highway 14 abutting the Courthouse property, all of Block 8, Original Town of Nelson, Nebraska. They want to replace the sidewalks along Highway 14 to allow for Handicap Access at the main corners for each Block in Nelson and Superior. The State Department of Roads is requesting to purchase a 46.46 square foot portion of land from Nuckolls County at the cost of \$200.00 in order to accomplish this project. **A motion was made by Corman and seconded by Combs to authorize Chairman Combs to sign the Warranty Deed from Nuckolls County, Nebraska to the State of Nebraska/Department of Roads; the Acquisition Contract with the State of Nebraska/Department of Roads; A Resolution allowing Michael D. Combs to sign the documents; a Tax Exemption Form and a Voucher. Combs, Brown and Corman all voted Aye, 0 voted Nay. Motion carried.**

Vicki Ensign & Royce Gonzales, Budget Making Authority met with the Board to submit their findings on the difference in costs between an Employee and Contract Labor for custodian and lawn care at the Courthouse. The findings showed that it is cheaper to have contract labor than an employee due to insurance and retirement costs. The Board determined to proceed with getting bids for Lawn Care Service for the 2013 summer and then visit the issue again at budget time.

Gonzales submitted a copy of the billing to be sent to New Mexico for the travel expenses and housing of 2 inmates held by Nuckolls County for the State of New Mexico. The total expenses incurred by Nuckolls County, for both inmates is \$1,726.74. The Board asked that the Sheriff sign off on the billings before they are sent to the authorities in New Mexico.

Discussion was held regarding the contract with Orkin Pest Control. The County will need to provide a 60 day written notice to terminate the contract. The Board has received several complaints regarding the service



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provided by Orkin. The Board gave their approval to terminate this contract and start taking quotes for pest control services for the future.

Tim Stutzman, Emergency Manager/Noxious Weed Superintendent met with the Board to request the use of the County Credit Card to make reservations for the Spring Weed Control Workshop for Noxious Weed Superintendents. **A motion was made by Brown and seconded by Corman to approve for Stutzman to use the County Credit Card for the Spring Weed Control Workshop. Combs, Brown and Corman all voted Aye, 0 voted Nay. Motion carried.**

Susan Rogers, County Assessor met with the Board to submit an Agreement with GIS Workshop, Inc. for Oblique Imagery for the County Assessor's Office. The work will be performed in the fall of 2013 and the Spring of 2014. The costs will be billed in the amount of \$12,000.00 due in May 2014 and the cost of \$12,000.00 due July 2014. The last time the County's Aerial View was flown was in 2008/2009. Discussion was held regarding the need to fly the county by GIS Workshop this year or wait a couple of more years as the County will be revaluated within the next 2 years by ground inspections. It was determined that it would be better not to wait. **A motion was made by Brown and seconded by Combs to approve the Agreement with GIS Workshop, Inc for Oblique Imagery for the Assessor's Office at the cost of \$24,000.00 to be split between fiscal years 2012/2013 and fiscal year 2013/2014 to be flown in the fall of 2013 and the Spring of 2014. Combs, Brown and Corman all voted Aye, 0 voted Nay. Motion carried.**

Chairman Combs recessed the meeting at 10:29 a.m. to go into Board of Equalization. Chairman Combs reconvened the meeting at 10:35 a.m. into Regular Session of the Board of Commissioners.

A Resolution of Board of County Commissioners of Nuckolls County, Nebraska Direction Tax Foreclosure was submitted by the County Attorney for approval. The Resolution Authorizes the County Attorney to foreclose on all tax sale certificates remaining unredeemed. **A motion was made by Brown and seconded by Combs to approve the Resolution of Board of County Commissioners of Nuckolls County, Nebraska Directing Tax Foreclosure on unredeemed tax certificates. Combs, Brown and Corman all voted Aye, 0 voted Nay. Motion carried.**

A Public Hearing was held to hear public comments at 11:00 a.m. regarding the County's involvement in the request from Brodstone Memorial Hospital for their application for a Conduit Hospital Bond to enable them to refinance their debt of \$9.4 Million dollars at a lower interest rate, tax deferred. In order for Brodstone Memorial Hospital to utilize this process they need to have a Governmental Agency or Municipality to allow them to act as a host for this Conduit Hospital Bond. It was noted the County will not be liable for any financial liability and will be reimbursed by Brodstone Memorial Hospital for any expenses incurred. The Hospital will finance through Central National Bank of Superior. No final dollar amounts have been released as they do not know the interest rates or payoff amounts until closer to the time of closing. The closing date is projected for May 22, 2013. Tom Mayfield of National Healthcare Capital, LLC and Lauren W. Wismer, Attorney from Gilmore & Bell were both present for the Hearing. Also present for the Hearing is John Keelan, CEO for Brodstone Memorial Hospital and Sandy Borden, Chief Financial Officer for Brodstone Memorial Hospital. County Attorney, Timothy Schmidt was not able to be present due to conflicts due to a Court Hearing in another county. Vicki Ensign County Treasurer was present for the Hearing. No Public attended the hearing. A Resolution was presented along with a Tax Compliant Agreement with the County; a Loan Agreement between Central National Bank, Nuckolls County and Brodstone Memorial Hospital. The **"Resolution Authorizing and Approving the Issuance of a Not to Exceed \$5,000,000 Principal Amount Healthcare Revenue Bond (Brodstone Memorial Hospital Project), Series 2013; Approving and Authorizing the Execution and Delivery of a Loan Agreement, a Tax Compliance Agreement and Closing Documentation; Delegating, Authorizing and Directing the Chair to Exercise his own Independent Discretion and Judgment in**



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**Determining and Finalizing the Terms, Provision, Form and Contents of each of such documents; and related matters**” is being requested to be approved later in this meeting after the Public Hearing, to signify the County’s interest in going forward with the process. The Resolution would allow the Chairman to sign the “documents” at a later date (closing date) at his discretion. Also noted was if the Chairman had any concerns regarding these documents, before signing them he could consult with the County Attorney and the other members of the Board of Commissioners. Discussion was held regarding the difference between Conduit Hospital Bonds and a School Bond. The Hospital Bond does not allow for tax dollars to be used, where a School Bond is asking voters to approve the bond as they do use tax dollars to fund. It was noted that if the County does not get on board with the Bond then the City of Superior will not. John Keelan, CEO for Brodstone Memorial Hospital noted that they are just trying to save money to the people with lower interest rates and tax exemption on the refinanced dollars. If this is not approved the hospitals rates will be increased as the Obama Health Reform Act will cost the Hospital over \$200,000.00. The money saved by going through this procedure (interest & taxes) will be saving the Hospital approximately \$200,000.00. The Board reiterated some comments they have received from the public, such as the County should not be supporting the Hospital; the County should not be involved in this transaction; they feel it should go before an election like other bonds. Mayfield noted the biggest misunderstanding is there is no tax dollars involved and it is impossible for tax dollars to be used to fund this kind of bond. No further comments were noted. No decision was made at this time.

Chairman Combs recessed the meeting at 11:58 a.m. for lunch. Chairman Combs reconvened the meeting at 1:00 p.m.

The Resolution for the Brodstone Memorial Hospital Healthcare Bond was submitted for Board Approval. Present is Tom Mayfield, National Healthcare Capital, LLC; John Keelan, CEO Brodstone Memorial Hospital; Sandy Borden, Chief Financial Officer for Brodstone Memorial Hospital; Kathy Essink were all present. Timothy Schmidt, County Attorney is present for this session and also Vicki Ensign, County Treasurer. At this time the Board updated Schmidt on the proceedings from the Public Hearing regarding the Hospital Bond. Schmidt asked when the anticipated date for final documents to be presented, it was noted late May 2013. Discussion held regarding the Resolution and if it is approved will the County still have the option to back out of the process at any time. Mayfield noted nothing is final until the documents are signed at closing. Some concerns were discussed about have the Chairman be responsible for signing these documents if he was not comfortable. It was noted he could confer with the County Attorney or the members of the County Board of Commissioners with concerns or questions before he would sign the documents at closing. **A motion was made by Corman and seconded by Brown to approve “Resolution Authorizing and Approving the Issuance of a Not to Exceed \$5,000,000 Principal Amount Healthcare Revenue Bond (Brodstone Memorial Hospital Project), Series 2013; Approving and Authorizing the Execution and Delivery of a Loan Agreement, a Tax Compliance Agreement and Closing Documentation; Delegating, Authorizing and Directing the Chair to Exercise his own Independent Discretion and Judgment in Determining and Finalizing the Terms, Provision, Form and Contents of each of such documents; and related matters”.** Combs, Brown and Corman all voted Aye, 0 voted Nay. Motion carried.

There being no further business the meeting was recessed at 1:20 p.m. until Monday, April 1, 2013.

Michael D. Combs, Chairman

By: Jackie L. Kassebaum, County Clerk